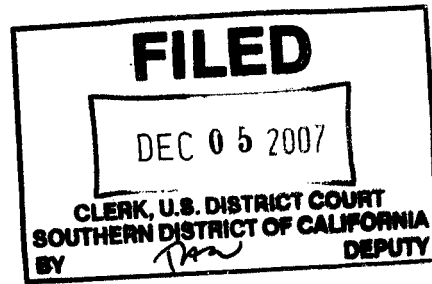


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8963

UNITED STATES OF AMERICA
Plaintiff,

v.

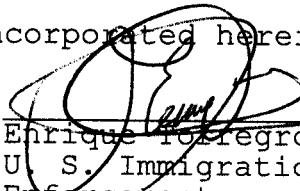
Rodolfo OZUNA,
Defendant.

) Magistrate Case No.:
)
) COMPLAINT FOR VIOLATION OF
)
) 21 U.S.C. § 952 and 960
) Importation of a Controlled
) Substance (Felony)
)
)
)

The undersigned complainant being duly sworn states:

That on or about December 4, 2007 within the Southern District of California, defendant Rodolfo OZUNA, did knowingly and intentionally import approximately 3.53 kilograms (7.66 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Enrique Rodriguez Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF DECEMBER 2007.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

v.

2 Rodolfo OZUNA

3 STATEMENT OF FACTS

4 This complaint is based on the reports, documents, and notes
5 furnished to U.S. Immigration and Customs Enforcement Special Agent
6 Enrique Torregrosa.

7 On December 4, 2007, at approximately 1318 hours, Rodolfo
8 OZUNA entered the United States from the Republic of Mexico via the
9 Andrade, California Port of Entry. OZUNA made entry into the
10 United States through pedestrian, carrying a two piece statue.

11 At primary inspection, OZUNA gave an oral Customs declaration
12 to Customs and Border Protection Officer (CBPO) Jackson. OZUNA
13 declared a ceramic figure of a lion on a pedestal. CBPO Jackson
14 noticed that the ceramic figure was solid and damp to the touch.
15 At this point CBPO Jackson referred OZUNA to secondary for further
16 inspection. At the secondary area, CBPO Macias requested for CBP
17 canine Officer Dahin to search the plaster figure. CBP canine
18 Officer Dahin screened the figure utilizing his assigned
19 Human/Narcotic Detector Dog (HNDD). HNDD alerted to the plaster
20 figure. CBPO Dahin advised CBPO Findley of the alert.

21 A subsequent search of the statue by CBPO Findley and CBP
22 canine Officer Dahin revealed seven packages concealed within the
23 statue. The approximate weight of the packages was 3.53 kilograms
24 (7.66 pounds). CBPO Findley probed one package, which produced a
25 green leafy substance, which field-tested positive for marijuana.

26 OZUNA was arrested for importation of marijuana into the
27 United States. OZUNA was advised of his Miranda Rights, which he
28 acknowledged and waived agreeing to answer question without the

1 presence of an attorney. OZUNA stated that he was going to be paid
2 \$150.00 dollars to smuggle the marijuana into the United States.
3 OZUNA also stated that he knew it was illegal to smuggle marijuana
4 into the United States.
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